

Examination of a sample of the article by this department showed that it contained less than ten million viable lactobacilli per cubic centimeter.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, "Approximately 250,000,000 Viable Bacilli per CC," whereas the strength of the said article fell below such professed standard.

Misbranding was alleged for the reason that the statement on the bottle label, "Approximately 250,000,000 Viable Bacilli per CC," was false and misleading when applied to an article containing less viable lactobacilli per cubic centimeter.

On March 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17165. Misbranding of Nozol. U. S. v. 72 Bottles of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24496. I. S. No. 028880. S. No. 2789.)

On February 3, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 72 bottles of Nozol, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Nozol Co. (Inc.), from Pittsburgh, Pa., on or about October 28, 1929, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of mineral oil, camphor, and oil of peppermint colored with a pink dye.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the accompanying display card, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Nozol Relieves Sinus Trouble * * * Makes Breathing Easy * * * Recommended by Specialists for * * * Hay fever, General Nose Troubles Use Nozol for Sinus Trouble * * * Sinus Trouble Relieved with Nozol. * * * Nozol (Nose All)."

On April 3, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17166. Misbranding of F E I solution. U. S. v. 20 Packages of F E I Solution. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24492. I. S. No. 028951. S. No. 2755.)

On January 30, 1930, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 packages of F E I solution, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the F E I Corporation, from Pittsburgh, Pa., on or about July 18, 1929, and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid, glycerin, a small amount of copper sulphate, alcohol, and water flavored with oil of cassia.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "F-First E-eliminate I-infection * * * A Life Preserver For Teeth and Gums * * * Pyorrhea Specific * * * Pyorrhea is present in four out of five adults, causing loss of over fifty per cent of all permanent teeth. Dr. Ellis' F E I Solution kills infection. * * * A Scientific medicated gum and tooth wash for local application, destroying the infection causing Pyorrhea. Stimulates and heals the * * * tender, bleeding, and receding gums;" (bottle) "Pyorrhea Specific * * * For Pyorrhea

(Rigg's Disease), Bleeding, Tender and receding Gums, * * * Save your teeth and gums. Ninety-five adults in every hundred have beginning Pyorrhea, with a loss of over 50 per cent of all permanent teeth. F E I Solution destroys this infection locally, the gums returning to a rosy, healthy color * * * For Bleeding * * * Tender or Pus-discharging Gums, moisten tooth brush with F E I Solution, scrubbing gums thoroughly after meals. Then rinse mouth with F E I Solution, ten drops to teaspoonful of water * * * healing action follows."

On March 17, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17167. Misbranding of Vapo-Cresolene. U. S. v. 80 Bottles, et al., of Vapo-Cresolene. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24582, 24586. I. S. Nos. 017395, 017396, 017397, 027581. S. Nos. 2913, 2920.)

On March 3 and March 4, 1930, the United States attorneys for the Districts of New Jersey and Maryland, respectively, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States for the districts aforesaid libels praying seizure and condemnation of 50 large-sized bottles, 69 medium-sized bottles, and 164 small-sized bottles of Vapo-Cresolene, remaining in the original unbroken packages in part at Newark, N. J., and in part at Baltimore, Md., alleging that the article had been shipped by the Vapo-Cresolene Co., from New York, N. Y., in part on November 27, 1929, and in part on January 5, 1930, and had been transported from the State of New York into the States of New Jersey and Maryland, respectively, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of cresylic acid with small amounts of water and neutral oil.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle, all sizes) "Treatment for whooping cough, spasmodic croup, nasal catarrh, * * * sore throat, bronchitis, bronchial complications of measles, bronchial asthma and hay fever;" (carton, all sizes) "A vapor treatment for Whooping Cough, Spasmodic Croup, Bronchial Asthma, Coughs * * * Bronchitis, Influenza * * * The use of vaporized antiseptics for certain inflammatory diseases of the air passages is a well recognized and valuable method of treatment. * * * The air passages are then penetrated by the restorative vapor with every breath. Cresolene has been used since 1879 for the relief of the diseases for which it is recommended. * * * for the relief of the paroxysms of Whooping Cough, Spasmodic Croup, Bronchial Asthma, Hay Fever, Influenza. For Nasal Catarrh, Sore Throat, Coughs * * * Bronchitis and the bronchial complications of Measles. Vaporized Cresolene is a protection to those necessarily exposed to communicable diseases. * * * for use about the body as in the washing of * * * boils, * * * etc.;" (carton label, large-sized bottles only) "Spasmodic Croup, Asthma, Whooping Cough, Bronchitis * * * Whooping Cough, Spasmodic Croup, Nasal Catarrh, * * * Bronchitis, Coughs, Sore Throat, Influenza, The Paroxysms of Bronchial Asthma, and Hay Fever and the Bronchial Complications of Measles, For the Respiratory Diseases of Animals, as Distemper and Pneumonia in Horses and Dogs; Gapes and Roup in Fowls;" (circular, all sizes) "For Whooping Cough, Spasmodic Croup, Bronchial Asthma, * * * Coughs, Bronchitis * * * The liquid is vaporized * * * is carried through every passage, tube and cell of the breathing organs and produces a direct action on the very seat of the disease. * * * is an important means of surely and readily treating many bronchial troubles and of bringing specific antiseptics to act upon and stop the growth of the germs of * * * Whooping Cough and Spasmodic Croup, it has also been found effective in treating other bronchial and nasal diseases, viz: Bronchitis, Coughs, Bronchial Asthma, Nasal Catarrh, Hay Fever, * * * the bronchial complications accompanying Measles, and as a protection to those necessarily exposed to infectious diseases. * * * for use about the body as in the washing of * * * boils * * * etc. * * * Laboratory tests * * * show that it kills the germs of Diphtheria, Typhoid Fever